

THE SECRETARY OF STATE

WASHINGTON

Dear Mr. Vice President:

There is submitted herewith a proposed bill which would change the period of validity of a passport, authorize the Secretary of State to prescribe passport fees and change the name of the Bureau of Security and Consular Affairs in the Department of State and the title of the administrator of the Bureau.

Existing law (22 U.S.C. 217(a)) provides that a passport shall be valid for a period of three years and may be renewed for a further period of two years. These periods parallel the provisions of Sections 352(a) (1) and (2) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1484) that a naturalized citizen shall lose his nationality by three years' continued residence in the country of his birth or former nationality or by five years' continued residence in any other foreign country. The Supreme Court decision in Schneider v. Rusk, 373 U.S. 163 (1964), holding this discrimination against naturalized citizens unconstitutional, eliminated the basis for these specific periods.

A five-year passport renewable for five years would conform with the recommendations of the United Nations Conference on Travel and Tourism held in 1963 at Rome and with the practice prevailing in a number of countries such as Great Britain, Germany and Canada. It is believed that potential validity of ten years for each passport would result in greater convenience to the traveling public and a saving to the Government. Section 1 of the proposed bill makes these changes.

Changing

The Honorable
Hubert H. Humphrey,
President of the Senate.

Changing the period of validity of a passport raises the problem of treatment of passports outstanding when the new legislation becomes effective. Section 2 provides that passports that are in the renewal period as of the effective date of the act shall not be affected and shall expire five years from their date of issue as under the existing law. Passports which have not been renewed as of the effective date of the act may be renewed for a period of five years, for a total period of validity of eight years from the date of issue. This section is designed to avoid the inconvenience and expense of calling in all outstanding passports for amendment to the new period of validity. Allowing passports in the renewal period to expire will hasten replacement of passports issued under the existing law. At the same time, the convenience of the longer renewal period is made available to holders of outstanding passports still in the original period of validity.

Section 3 amends Section 1 of the Act of June 4, 1920 (41 Stat. 750, as amended; 22 U.S.C. 214), which sets passport fees by authorizing the Secretary of State to prescribe, from time to time, the fees to be collected for passport services as well as those instances when no fees are to be collected. This section would enable the Department to adjust the fee as the cost of passport services changes. In this respect, it would resemble the provision of the Act of April 5, 1906 (34 Stat. 100; 22 U.S.C. 1201), which authorizes the President to prescribe fees for consular services. It would also be in accordance with the sense of Congress expressed in the Act of August 31, 1951 (5 U.S.C. 140). The current cost to the Government of executing passport applications and issuing and renewing passports is being studied. Pending the completion of this study, the Secretary would retain the existing fees of \$1 for application, \$9 for a passport and \$5 for a renewal.

Section 6 allows a more orderly transitional period between the old and the proposed legislation.

The ten day

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The ten day delay in the effective date of the act is designed to allow the Department to give adequate notice to the 235 foreign posts which issue passports and the more than one hundred foreign governments which would be concerned with a change in the period of validity of United States passports.

Section 4 changes the name of the Bureau of Security and Consular Affairs in the Department of State to the Bureau of Consular Affairs and gives the Secretary of State greater flexibility in designating the title of the head of the Bureau.

Security functions, which were placed in the Bureau of Security and Consular Affairs by the Secretary in 1953, were removed from that Bureau by the Secretary on August 8, 1962, by Departmental Order (Foreign Affairs Manual Circular No. 79B) and placed under the immediate jurisdiction of the Deputy Under Secretary for Administration. The continued use of the word "Security" in the name of the Bureau perpetuates the impression that personnel security matters and physical security responsibilities are still within the jurisdiction of the Bureau. The proposed language in the bill will correct this misnomer and any confusion it may cause within the Government, among the American public, and abroad.

Section 104(b) of the Immigration and Nationality Act of June 27, 1952 (66 Stat. 174; 22 U.S.C. 1104(b)) established in the Department of State a Bureau of Security and Consular Affairs to be headed by an administrator with the rank and compensation of an Assistant Secretary. The position of administrator is required to be filled by a Presidential appointment with the advice and consent of the Senate. No change is contemplated in this appointment procedure or in the status and compensation of the present incumbent who has been appointed by the President and confirmed by the Senate. The bill would enable the Secretary of State to designate the present administrator or future appointee to this office as Assistant Secretary which is a title consistent with the titles of other heads of bureaus

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in the Department of State. This legislation would in no way affect the present statutory number of Assistant Secretaries in the Department. It merely authorizes the Secretary to designate an existing statutory position created in section 104(b) of the Immigration and Nationality Act as an Assistant Secretary if he so desires.

The Bureau of the Budget has advised the Department that from the standpoint of the Administration's program there is no objection to the submission of this proposal to Congress for its consideration.

A similar communication is being sent to the Speaker of the House of Representatives.

Sincerely yours,

Dean Rusk